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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,369	02/04/2000	Victor H. Shear	07451.0010-01000	8725
22852	7590 01/27/2005		EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER			DIXON, THOMAS A	
LLP 901 NEW YO	RK AVENUE, NW	•	ART UNIT	PAPER NUMBER
	ON, DC 20001-4413		3629	
			DATE MAILED: 01/27/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>√</b> .	Application No.	Applicant(s)	^
Office Action Summer	09/498,369	SHEAR ET AL.	
Office Action Summary	Examiner	Art Unit	
	Thomas A. Dixon	3629	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet wi	th the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a now within the statutory minimum of thirthing and will expire SIX (6) MON cause the application to become AB	eply be timely filed  y (30) days will be considered timely.  THS from the mailing date of this communication  ANDONED (35 U.S.C. § 133).	ı.
Status			
1) Responsive to communication(s) filed on 27 Octo  2a) This action is <b>FINAL</b> .  2b) This  3) Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final.		i
Disposition of Claims			
4) ⊠ Claim(s) 151-155 and 186-195 is/are pending i 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 151-155 and 186-195 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.		
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the correct of the co	epted or b) objected to drawing(s) be held in abeyand ion is required if the drawing	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d	I).
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in A rity documents have been u (PCT Rule 17.2(a)).	oplication No received in this National Stage	
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 10/04.	Paper No(s	ummary (PTO-413) )/Mail Date formal Patent Application (PTO-152) 	

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## **DETAILED ACTION**

## Information Disclosure Statement

1. The information disclosure statement filed 10/27/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent and each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but only the U.S. references referred to therein have been considered.

2. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/27/2004 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS**MADE FINAL. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 151—155, 186-195 are rejected under 35 U.S.C. 102(e) as being anticipated by Benson et al (5,845,281).

As per Claim 151.

Benson et al ('281) discloses:

creating a secure container, see column 5, line 25;

associating a first rule with the secure container, the first rule at least in part governing use of at least some of the secure container contents, the first rule at least in part specifying potential users or recipients of the secure container contents, the specifying being based at least in part on a first class to which the potential users or recipients have been assigned, see column 5, lines 22-45;

sending the secure container to a first remote party, see column 5, lines 54-59; the first remote party embedding a first content object in the secure container, see column 5, line 54-59;

receiving a request for a content object from a potential user or recipient, the request specifying a desired class of rights management, see column 5, lines 33-36;

determining that the first content object has rights management information associated with it that belongs to the desired class, see column 5, lines 33-36;

sending the secure container, including the embedded first content object, to the potential user or recipient, see column 5, lines 46-51;

evaluating a digital certificate associated with the potential user or recipient, see column 6, lines 49-54;

determining, based on at least the digital certificate that the potential user or recipient has been assigned to the first class, see column 9, line 60 – column 10, line 5;

based on the determination, and at least in part under control of the first rule, making at least some of the secure container contents available to the potential user or recipient, see column 10, lines 1-5.

As per Claim 152. Benson et al ('281) further discloses: Application/Control Number: 09/498,369

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the first remote party associating a second rule with the secure container, the second rule at least in part governing use of at least a portion of the secure container contents, see column 5, lines 46-59;

the step of making at least some of the secure contents available to the potential user occurring at least in part under control of the second rule, see column 10, lines 11-38.

As per Claim 153.

Benson et al ('281) further discloses assigning a user to a first class, the assignment being based at least in part on the potential user's use of the content, see column 10, lines 28-38.

As per Claim 154.

Benson et al ('281) further discloses the assignment of the potential user to the first class is based at least on demographic information, see column 15, lines 6-11.

As per Claim 155.

Benson et al ('281) further discloses following the potential user's access to the secure contents, generating an audit trail describing an aspect of the access and providing the audit trail to a remote site, see column 14, lines 19-35 and column 17, lines 19-20.

As per Claim 186.

Benson et al ('281) further discloses rights management information specifying predefined limitations on redistribution of content, see column 16, lines 25-30.

As per Claim 187.

Benson et al ('281) further discloses rights management information specifying predefined limitations on modification of content, see column 17, lines 1-23.

As per Claim 188.

Benson et al ('281) further discloses the rights management information specifying limitations on the cost of acquiring content, see column 9, line 61 – column 10, line 2.

As per Claim 189.

Benson et al ('281) further discloses the rights management information specifying limitations on the reporting of information regarding usage of content, see column 9, line 61 – column 10, line 2 and column 13, lines 29-50.

As per Claim 190.

Benson et al ('281) further discloses the steps of evaluating that the potential user or recipient has been assigned to the first class, are performed before the step of

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sending the secure container, including the embedding of the first content object, to the potential user or recipient, see column 15, lines 6-11.

As per Claim 191.

Benson et al ('281) discloses:

creating a secure container, see column 5, line 25;

assigning a potential user or recipient to a class, the assignment based at least in part on information regarding the potential user or recipient's previous use of the content, see column 10, lines 15-22;

associating a first rule with the secure container, the first rule at least in part governing use of at least some of the secure container contents, the first rule at least in part specifying potential users or recipients of the secure container contents, the specifying being based at least in part on a first class to which the potential users or recipients have been assigned, see column 5, lines 22-45;

sending the secure container to a first remote party, see column 5, lines 54-59; the first remote party embedding a content object in the secure container, see column 5, line 54-59;

sending the secure container, including the embedded first content object, to the potential user or recipient, see column 5, lines 46-51;

evaluating a digital certificate associated with the potential user or recipient, see column 6, lines 49-54;

determining, based on at least the digital certificate that the potential user or recipient has been assigned to the first class, see column 9, line 60 – column 10, line 5;

based on the determination, and at least in part under control of the first rule, making at least some of the secure container contents available to the potential user or recipient, see column 10, lines 1-5.

As per Claim 192.

Benson et al ('281) further discloses the information regarding previous use comprises information regarding the type of rights management information associated with the content items previously used, see column 10, lines 1-5.

As per Claim 193.

Benson et al ('281) further discloses the information regarding previous use comprises information regarding the type of content previously used, see column 10, lines 1-5.

As per Claim 194.

Benson et al ('281) further discloses the information regarding the previous use of content is received from a second remote party, the second remote party having collected the information from the potential user or recipient, see column 14, lines 19-35.

As per Claim 195.

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Benson et al ('281) further discloses the steps are performed in the order recited, see figures 4 and 15.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Dixon
Primary Examiner
Art Unit 3629

January 05